

# ARNOLD & PORTER LLP

202.942.5000  
202.942.5999 Fax

555 Twelfth Street, NW  
Washington, DC 20004-1206



April 5, 2004

Mail Stop PGPUB  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SEP - 7 2004

TECH CENTER 1600/2900

Re: U.S. Patent Application No.: 09/445,517  
Filed: December 6, 1999  
Publication No.: 2004/0022807 A1  
Published: February 5, 2004  
Title: *Methods for Treating Obesity*  
Applicants: Bradford J. DUFT *et al.*  
Atty. Docket: 18528.230 / 235/013 US

Sir:

The following document is forwarded herewith via facsimile for appropriate action by the U.S. Patent and Trademark Office (PTO):

1. a Request for Correction of Published Patent Application.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. §§ 1.16 or 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter Deposit Account No. 50-2387 referencing matter number 18528.230.

Respectfully submitted,

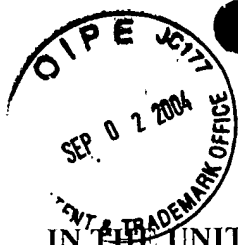
David R. Marsh (Reg. Attorney No. 41,408)  
Milan M. Vinnola (Reg. Attorney No. 45,979)

Attachments

I hereby certify that this transmittal and the listed documents are being facsimile transmitted to the attention of Shelby Pittman, Mail Stop PGPUB, via facsimile number (703) 305-8568.

  
Milan M. Vinnola (Reg. No. 45,979)

April 5, 2004  
Date



SEP - 7 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

In re Application of:

Bradford J. DUFT *et al.*

Appln. No.: 09/445,517

Filed: December 6, 1999

Publication No.: 2004/0022807 A1

Published: February 5, 2004

For: *Methods for Treating Obesity*

SEP - 7 2004

TECH CENTER 1600/2900

Art Unit: 1645

Examiner: S. Devi

Atty. Docket: 18528.230 / 235/013 US

Confirmation No.: 1018

### Request for Correction of Published Patent Application

#### Mail Stop PGPUB

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicants hereby request correction of the above-referenced published patent application as follows:

**Please make the following correction to the section entitled "Related U.S.**

**Application Data":**

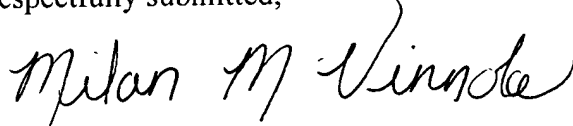
**Please replace "(60) Provisional application No. 08/870,762, filed on Jun. 6, 1997." with "(63) Continuation-in-part of application No. 08/870,762, filed on Jun. 6, 1997."**

Applicants note that the above-referenced correction is necessitated as a result of Patent Office errors in the printing of Patent Application Publication No. 2004/0022807 A1. This can

be confirmed in the Patent Office records of U.S. Application No. 09/445,517, specifically the first page of the specification as originally filed.

The Commissioner is invited to contact Applicants' undersigned representative at (202) 942-6111 to address any issues related to this matter.

Respectfully submitted,

A handwritten signature in black ink, reading "Milan M. Vinnola". The signature is written in a cursive style with a large, stylized "M" and "V".

David R. Marsh (Reg. No. 41,408)  
Milan M. Vinnola (Reg. No. 45,979)

Date: April 5, 2004

ARNOLD & PORTER LLP  
555 Twelfth Street, N.W.  
Washington, D.C. 20004-1206  
(202) 942-5000 telephone  
(202) 942-5999 facsimile



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
09/445,517	12/06/1999	1645	1215	030639.0044.CPA1		15	2

44638  
 ARNOLD & PORTER LLP (18528)  
 555 TWELFTH ST, NW  
 WASHINGTON, DC 20004

CONFIRMATION NO. 1018  
 CORRECTED FILING RECEIPT  
 \*OC000000013940972\*  
 \*OC000000013940972\*

Date Mailed: 09/29/2004

Receipt is acknowledged of a CPA in this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

BRADFORD J DUFT, RANCHO SANTA FE, CA;  
 ORVILLE G KOLTERMAN, POWAY, CA;

**Power of Attorney:**

Joel Freed-25101  
 Marcia Sundeen-30893  
 Paul Zegger-33821  
 Todd Wagner-35399  
 Scott Chambers-37573

Robert Worral-37969  
 James R. Farrand-38136  
 Joseph Micallef-39772  
 Michael Songer-39841  
 Leslie Jacobs Jr-40659

**Domestic Priority data as claimed by applicant**

This application is a 371 of PCT/US98/11753 06/05/1998  
 which claims benefit of 08/870,762 06/06/1997

**Foreign Applications**

If Required, Foreign Filing License Granted: 04/11/2000

The number of your priority application, to be used for filing abroad under the Paris Convention is,  
**US09/445,517**

CPA filed on: 02/05/2001

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

METHODS FOR TREATING OBESITY

**Preliminary Class**

XXX

---

**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/445,517	12/06/1999	BRADFORD J DUFT	235/013 US

ARNOLD & PORTER  
IP DOCKETING DEPARTMENT, RM 1126B  
555 TWELFTH ST, NW  
WASHINGTON, DC 20004-1206

CONFIRMATION NO. 1018



\*OC000000011843548\*

SEP - 7 2004

Title: METHODS FOR TREATING OBESITY

Publication No. US-2004-0022807-A1

Publication Date: 02/05/2004

TECH CENTER 1600/2900

## NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publicly available Searchable Databases via the Internet at [www.uspto.gov](http://www.uspto.gov). The direct link to access the publication is currently <http://www.uspto.gov/patft/>.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Office of Public Records. The Office of Public Records can be reached by telephone at (703) 308-9726 or (800) 972-6382, by facsimile at (703) 305-8759, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, Alexandria, VA 22313-1450 or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at [www.uspto.gov](http://www.uspto.gov) using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently <http://pair.uspto.gov/>. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at (703) 305-3028.

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

Docketed *Amend PUBL.*  
Due Date *4/5/04*  
Initial *uo*

